



COMMONWEALTH OF MASSACHUSETTS  
**Board of Registration**  
**of**  
**Hazardous Waste Site Cleanup Professionals**

**MINUTES**  
**of**  
**BOARD MEETING**  
Held on  
**February 18, 2010**

Meeting Location: WESTON & SAMPSON ENGINEERS  
5 Centennial Drive  
Peabody, Mass.

Prepared by: T. Wood

[Approved: April 13, 2010]

1. **Call to Order:** Chairperson Janine Commerford called the meeting to order at 2:49 p.m. The other Board members present were Gail Batchelder, Deborah Farnsworth, Kirk Franklin, Jack Guswa, Gretchen Latowsky, and Kelley Race. Board members absent: Christophe Henry, Robert Luhrs and Debra Stake. The LSP Board staff members present were Lynn Read, Terry Wood and Al Wyman.
2. **Announcements:** There were no announcements.
3. **Agenda:** The Board members agreed to follow the draft agenda.
4. **Minutes:** The Board reviewed the draft minutes of the meeting of the Board held on December 11, 2009. **A motion was made and seconded to approve the minutes as drafted. The motion was approved unanimously.**
5. **Reports from Recent Quasi-Judicial Sessions:** The staff requested and received the Board's unanimous consent to publish in the minutes of this meeting the following reports from two previous quasi-judicial sessions of the Board.

**Order To Show Cause: Complaint 05C-07**

At a quasi-judicial session held on July 23, 2009, the members of the Complaint Review Team for Complaint 05C-07 (Ms. Farnsworth, Mr. Luhrs and Ms. Read) presented their CRT Report summarizing the findings of their preliminary investigation. During this presentation, the LSP's name was not disclosed.

The following six non-recused members of the Board participated in this quasi-judicial session: Ms. Batchelder, Ms. Commerford, Mr. Henry, Ms. Latowsky, Ms. Race, and Ms. Stake. Mr. Franklin was recused and was not present during the quasi-judicial session. In addition, Mr. Guswa was absent.

At the conclusion of the CRT's presentation, the members of the CRT and Mr. Quinlan left the room. The six remaining Board members then discussed the CRT's Report. At the conclusion of the discussion, the members voted unanimously that, based on the preliminary investigation, sufficient grounds existed to take disciplinary action against this LSP.

The CRT's attorney was directed to serve the Respondent LSP with an Order To Show Cause.

Thereafter, an Order To Show Cause was served on the respondent LSP on January 12, 2010.

#### **Order To Show Cause: Complaint 06C-08**

At a quasi-judicial session held on August 19, 2009, the members of the Complaint Review Team for Complaint 06C-08 (Ms. Batchelder, Ms. Race and Ms. Wood) presented their CRT Report summarizing the findings of their preliminary investigation. During this presentation, the LSP's name was not disclosed.

The following six non-recused members of the Board participated in this quasi-judicial session: Mr. Franklin, Mr. Guswa, Mr. Henry, Ms. Latowsky, Mr. Luhrs, and Ms. Stake. Ms. Commerford was recused and was not present during the quasi-judicial session. In addition, Ms. Farnsworth was absent.

At the conclusion of the CRT's presentation, the members of the CRT and Mr. Quinlan left the room. The six remaining Board members then discussed the CRT's Report. At the conclusion of the discussion, the members voted unanimously that, based on the preliminary investigation, sufficient grounds existed to take disciplinary action against this LSP.

The CRT's attorney was directed to serve the Respondent LSP with an Order To Show Cause.

Thereafter, an Order To Show Cause was served on the respondent LSP on January 13, 2010.

6. **Decisions Regarding Licensing of Applicants:** The staff presented the following Application Dockets:

<p><b><u>Docket No. 1:</u></b> The applicant's name, company name, application number, and Application Review Panel recommendation were read into the record:</p>
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		<u>App. No.</u>	<u>ARP</u>	<u>Rec.</u>
Steven L. Kurz	Kurz Environmental, Inc.	#6324	224	D

Ms. Farnsworth and Ms. Race were recused and left the room.

A motion was made and seconded to accept the recommendation from Application Review Panel #224, i.e., that the application submitted by Mr. Kurz be denied for the reasons set forth in the draft denial letter. The motion was approved unanimously.

Ms. Farnsworth and Ms. Race returned and rejoined the meeting.

<u>Docket No. 2:</u> The applicant's name, company name, application number, and Application Review Panel recommendation were read into the record:				
		<u>App. No.</u>	<u>ARP</u>	<u>Rec.</u>
Todd E. Piskovitz	GeoInsight, Inc.	#8614	229	A

A motion was made and seconded that the Board accept the recommendation from Application Review Panel #229, i.e., that the application submitted by Mr. Piskovitz be approved and that he be found eligible to take the exam. The motion was approved unanimously.

**7. License Renewal Applications:**

**A. Renewal Dockets.** The staff presented the following License Renewal Dockets:

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**Renewal Docket #1  
Renewal Date: January 30, 2010  
New Renewal Date: January 30, 2013**

Completed all requirements for renewal.

- |                      |       |
|----------------------|-------|
| 1. Joseph Callahan   | #7936 |
| 2. Brian Cote        | #4689 |
| 3. Dennis P. Giustra | #7051 |
| 4. Elizabeth Greene  | #4614 |
| 5. Jeffrey A. Hamel  | #1278 |
| 6. Michael S. Lotti  | #4208 |
| 7. Joseph McLoughlin | #2039 |
| 8. Kenneth Smith     | #7380 |
| 9. Michael Stiller   | #5843 |

10. Herbert E. Woike #2443

**Renewal Docket #2**  
**Request for 90-day Extension**  
**Renewal Date: January 30, 2010**  
**New Renewal Date: April 30, 2010**

Has not completed all requirements for renewal.  
Qualify for and is requesting a 90-day extension:

- |                       |       |
|-----------------------|-------|
| 1. Richard Eby        | #7782 |
| 2. William J. Gibbons | #5217 |

**Renewal Docket #3**  
**Renewal Date: January 30, 2010**  
**New Renewal Date: October 30, 2012**

Has completed all requirements for renewal  
within the previously granted 90-day extension:

- |                       |       |
|-----------------------|-------|
| 1. Alan Benevides     | #6818 |
| 2. Neal J. Carey      | #5521 |
| 3. Peter M. King      | #7413 |
| 4. David R. MacDonald | #2173 |

**Renewal Docket #4**  
**New Renewal Date: January 30, 2013**

Has completed all requirements for renewal  
within the one year granted for Expired Licenses:

- |                     |       |
|---------------------|-------|
| 5. Thomas Clark     | #4654 |
| 6. Rosanne M. Joyce | #6643 |
| 7. Michael Flynn    | #3560 |

**A motion was made and seconded to renew the licenses of the LSPs on Renewal Dockets #1, #3 and #4 for a three-year period ending on the dates indicated and to grant a 90-day extension to the LSP on Renewal Docket #2. The motion was approved unanimously.**

**8. Other Licensing-Related Matters:**

- A. New Panel Assignments and Scheduling.** The following Board members were assigned to Application Review Panel # 230: Ms. Commerford, Mr. Guswa and Ms. Latowsky.

**B. Appeals Status Report.** Ms. Wood reported that there are no pending appeals regarding the Board's denial of a license application.

**C. Inactive Status Report.** The staff reported the following change to the list of Inactive LSPs:

- Deborah Howell (#2349) went on Inactive Status effective 1/15/10
- Edward Kearney (#3717) who had been on Inactive Status, Voluntarily Surrendered his license effective 1/28/10
- A total of 5 LSPs are currently on Inactive Status

**D. Total Number of Active and Inactive LSPs.** The staff reported that the total number of Active LSPs as of the date of this meeting was 555 as of 2/10/10.

**E. Revisions to Application Form and Instructions.** Ms. Wood reported that the staff had discovered a glitch in the on-line application regarding the spacing on the on-line forms but that the glitch had been repaired.

**9. Examinations:**

**A. New Licensees.** The staff reported that the following approved applicants passed the licensing exam and are now LSPs:

	<u>Exam Date</u>
• Christopher Gill (#4354)	2/4/10
• Scott Kraihanzel (#5738)	2/4/10

**B. Next LSP Exam.** The staff reported that the next exam administration date is yet to be determined.

**C. Electronic Administration of Exam.** The staff reported that there was a minor glitch at the start of the exam when two test-takers had a problem logging in, but that this glitch was remedied immediately. The staff also reported that one of the computers in the training room was broken on the day of the exam so one test-taker took a paper version. Once the electronic exam started the four people taking the electronic version experienced no problems.

**10. Continuing Education Committee Report:**

**A. Course and Conference Approval Requests.** Mr. Wyman reported that the Committee had met earlier in the day and had the following course recommendation to present to the full Board:

Sponsor: SETAC

Course Title: Introduction to Green Chemistry

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Credits Requested: 8 Technical credits

Committee Recommendation: **Approve this course for 4 Technical Credits for LSPs who attend the course from 8 a.m. until 2:30 p.m.**

Sponsor: NGWA

Course Title: Design and Construction of Wells

Credits Requested: 16 Technical credits

Committee Recommendation: **Approve this course for the credits requested.**

Sponsor: Fletcher

Course Title: Reading Different New England Landscapes

Credits Requested: 10 Technical credits

Committee Recommendation: **Approve this course for the credits requested.**

Sponsor: IRTC

Course Title: Vapor Intrusion Pathway: A Practical Guideline

Credits Requested: 14 Technical credits

Committee Recommendation: **Approve this course for the credits requested.**

Sponsor: Battelle

Course Title: 2010 Remediation of Chlorinated and ReCalcitrant Compounds

Credits Requested: 1:2 Technical Credits

Committee Recommendation: **Approve this course for the credits requested.**

Sponsor: LSPA

Course Title: Demystifying the Activity and Use Limitation

Credits Requested: 3 Technical Credits

Committee Recommendation: **Approve this course for the credits requested.**

Sponsor: LSPA

Course Title: Case Studies of MassDEP Findings on Environmental Risk Characterizations

Credits Requested: 8 Technical Credits

Committee Recommendation: **Approve this course for the credits requested.**

Sponsor: LSPA

Course Title: Case Studies of MassDEP Findings on Environmental Risk Characterizations

Credits Requested: 8 Technical Credits

Committee Recommendation: **Approve this course for the credits requested.**

Sponsor: LSPA

Course Title: MCP for Everyone

Credits Requested: 4 Technical Credits

Committee Recommendation: **Table. The Committee requested one of the presenters be replaced.**

Sponsor: ERM

Course Title: *Sustainability and Climate Change: Challenges and Opportunities*

Credits Requested: 9 Technical Credits

Committee Recommendation: **Deny.**

Sponsor: ERM

Course Title: *Life Cycle Footprinting for Products, Services and Infrastructure*

Credits Requested: 8 Technical Credits

Committee Recommendation: **Deny.**

**A motion was made and seconded to accept the Committee's recommendation. The motion was approved unanimously.**

**B. Other Business – Waiver Request from Mike Flynn.** The Committee reported that Mr. Flynn requested that the Board waive the attendance requirement for the four-hour course “Revised CAM” and allow him to receive 50% credit for attending 75% of the course. Mr. Flynn presented several reasons in support of his request. After discussion, **a motion was made and seconded to recommend that the waiver be approved. The motion was approved by a vote of five (Batchelder, Farnsworth, Franklin, Guswa and Latowsky) to two (Commerford and Race).**

**A motion was made and seconded to accept the Committee's recommendation. The motion was approved unanimously.**

11. **Professional Conduct Committee:** Since all the Board members present at this meeting were also present at the meeting of the Professional Conduct Committee held earlier in the day, the Board agreed to forego a Committee report.
12. **Personnel, Budget, and Fees:** Ms. Latowsky stated that the Board members were planning to arrange meetings with Commissioner Burt of MassDEP and possibly also Secretary Bowles of EOEEA to discuss the recent reductions in Board staff. Ms. Commerford suggested that the Board consider reconvening a budget subcommittee.
13. **Status of Board Member Replacements by Governor:** Ms. Commerford stated that she has no new information.
14. **Other Business:**
  - A. Topic for next article in *LSPA News*. Ms. Wood stated that the staff had several topics for upcoming articles.
  - B. Other New Business. There was no other new business.

15. **Scheduling of Next Meeting:** The Board has not yet chosen dates for future meetings.
16. **Enter Executive Session:** A motion was made and seconded that the Board enter Executive Session for the purpose of discussing litigation strategy and thereafter to adjourn and not return to public session. The motion was approved 7-0 on a roll call vote. Ms. Commerford conducted a roll-call vote. Each member present voted as follows:

Ms. Batchelder	Aye	Ms. Latowsky	Aye
Ms. Commerford	Aye	Ms. Race	Aye
Ms. Farnsworth	Aye		
Mr. Frankin	Aye		
Mr. Guswa	Aye		

At 3:50 p.m. the Board entered into Executive Session.